

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

TRUSTEES OF THE IRON WORKERS	)	
DISTRICT COUNCIL OF TENNESSEE	)	
VALLEY AND VICINITY PENSION	)	
FUND, <i>et al.</i> ,	)	
	)	No. 1:07-CV-5
Plaintiffs,	)	<i>Lee</i>
	)	
v.	)	
	)	
D & C STEEL FABRICATORS,	)	
L.L.C., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On October 2, 2007, Magistrate Judge Susan K. Lee filed a report and recommendation recommending: (a) a ruling on Plaintiffs' motion for a default judgment (Court Doc. No. 17) be reserved until after the trial of this matter and that the issue of default judgment against Defendant Charles Howell ("Howell") be referred to the magistrate judge for a report and recommendation at the appropriate time; (b) Plaintiffs' claims against Howell be severed from Plaintiffs' claims against Defendants Dion Bowman ("Bowman") and D & C Steel Fabricators, L.L.C. ("D&C") under Fed. R. Civ. P. 21 and (c) Plaintiffs' claims against Howell be reassigned to the undersigned district judge for final disposition (Court Doc. No. 28). No party filed an objection within the given ten days. After *de novo* review, the Court agrees with the magistrate judge's report and recommendation.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (*id.*) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS**:

- (1) a ruling on Plaintiffs' motion for a default judgment (Court Doc. No. 17) is hereby **RESERVED** until after the trial of this matter and the issue of default judgment against Howell is hereby **REFERRED** to the magistrate judge for a report and recommendation at the appropriate time;
- (2) Plaintiffs' claims against Howell are hereby **SEVERED** from Plaintiffs' claims against Bowman and D&C pursuant to Fed. R. Civ. P. 21; and
- (3) Plaintiffs' claims against Howell are hereby **REASSIGNED** to the undersigned district judge for final disposition.

The Clerk is **DIRECTED** to assign a separate case number to Plaintiffs' claims against Howell.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE